

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Ryan Investment Corp.,

NO. C 06-03219 JW

Plaintiff,

**ORDER GRANTING APPLICATION TO  
SHORTEN TIME ON PLAINTIFF RYAN  
INVESTMENT CORPORATION'S  
MOTION TO IMPOSE UNDERTAKING**

v.

Pedregal De Cabo San Lucas, et al.,

Defendants.

Presently before the Court is Plaintiff's Application for an Order Shortening Time On Ryan Investment Corporation's Motion to Impose Undertaking. (hereafter, "Application," Docket Item No. 103.) Plaintiff seeks to shorten the time for hearing Plaintiff's pending Motion to Impose an undertaking. Defendants filed a timely opposition.<sup>1</sup>

Ordinarily, a motion may not be heard "less than 35 days after service of the motion." Civ. L.R. 7-2(a). However, a court may modify its schedule "for good cause." Fed. R. Civ. P. 16(b)(4).

Plaintiff contends that good cause exists for shortening time on the ground that a bond is necessary to protect its favorable judgment since Mexican law prohibits enforcement of a foreign judgment while an appeal is pending. (Application at 1.) Further, Plaintiff contends that, due to the deteriorating economic situation in Mexico, its ability to secure its judgment through a bond will be prejudiced. (Id. at 1-2.)

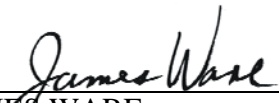
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<sup>1</sup> (Defendants' Opposition to Plaintiff's Application for Order Shortening Time and, in the Alternative, Opposition to Motion to Impose Undertaking, Docket Item No. 105.)

Without addressing the merits of Plaintiff's Motion, the Court recognizes the time-sensitive nature of the request. Thus, Court finds good cause to shorten time for hearing Plaintiff's Motion to Impose Undertaking. Accordingly, the Court ORDERS as follows:

- (1) The parties shall appear for a hearing on Plaintiff's Motion to Impose Undertaking on **June 29, 2009 at 9 a.m.**
- (2) Defendants shall file and serve their Opposition on or before **June 19, 2009.**<sup>2</sup>
- (3) Any Reply shall be filed and served on or before **June 24, 2009.**

Dated: June 16, 2009

  
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JAMES WARE  
United States District Judge

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<sup>2</sup> Although Defendants addressed the merits of Plaintiff's Motion to Impose Undertaking in their opposition, the Court will allow Defendants an additional opportunity to oppose the underlying motion, should they wish to do so.

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 George J. Berger gberger@allenmatkins.com  
3 Mark Aloysius O'Connor oconnor@horanlegal.com

4 **Dated: June 16, 2009**

**Richard W. Wieking, Clerk**

6 **By: /s/ JW Chambers**

7 **Elizabeth Garcia**  
8 **Courtroom Deputy**